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8 NOT FOR CITATION

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 TODD D. PICKENS,) No. C 05-02130 JF (PR)
13 Petitioner,) ORDER GRANTING MOTION FOR
14 vs.) EXTENSION OF TIME TO FILE
15 BEN CURRY, Warden,) APPLICATION FOR CERTIFICATE OF
16 Respondent.) APPEALABILITY
17 _____) (Docket No. 47)

18 On April 25, 2008, the Court denied this pro se petition for a writ of habeas corpus
19 on the merits and entered judgment in favor of Respondent. On May 13, 2008, Petitioner
20 filed a motion for an extension of time to file a motion for a certificate of appealability
21 (Docket No. 47). In his motion, petitioner explains that his access to legal material and
22 ability to do legal research have been hampered due to makeshift library conditions and
23 frequent lockdowns. Petitioner requests an additional thirty days to file his motion for a
24 certificate for appealability. (Pickens Decl. in Supp. of Mot. at 1-2)(Docket No. 47).

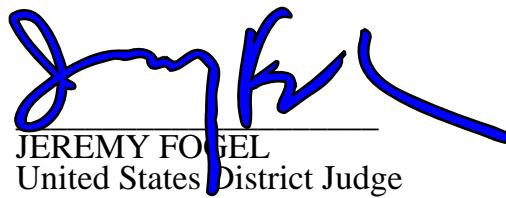
25 Federal Rule of Appellate Procedure 4(a)(5) allows a motion for an extension of
26 time if the party requests it within thirty days of the expiration of the time to file the
27 notice and shows excusable neglect or good cause. See Fed. R. App. P. 4(a)(5). The
28 extension must be no later than thirty days after the original deadline, or ten days after the

1 entry of the order granting the motion, whichever is later. See id. The Court concludes
2 that Petitioner has shown good cause for such extension. Accordingly, Petitioner's
3 motion for an extension of time to file an application for a certificate of appealability
4 (docket no. 47) is GRANTED.

5 Petitioner shall file an application for a certificate of appealability **no later than**
6 **ten (10) days** after the filing of the instant order granting the motion for an extension of
7 time. Id.

8 IT IS SO ORDERED.

9 DATED: 5/27/08



JEREMY FOGEL
United States District Judge